

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

IN THE MATTER OF:

MR. SCOTT TULLOCH  
DIRECTOR  
CITY OF SAN DIEGO METROPOLITAN  
WATER DEPARTMENT  
9192 TOPAZ WAY  
SAN DIEGO, CA 92123

COMPLAINT NO. R9-2005-0083

FOR  
ADMINISTRATIVE CIVIL  
LIABILITY

WITH  
MANDATORY MINIMUM PENALTY

VIOLATION OF EFFLUENT LIMITS IN  
ORDER NO. R9-2002-0025, NPDES NO.  
CA0107409, WASTE DISCHARGE  
REQUIREMENTS AND NPDES PERMIT  
FOR THE CITY OF SAN DIEGO E. W. BLOM  
POINT LOMA METROPOLITAN  
WASTEWATER TREATMENT PLANT  
DISCHARGE TO THE PACIFIC OCEAN  
THROUGH THE POINT LOMA OCEAN  
OUTFALL SAN DIEGO COUNTY,  
CALIFORNIA  
WDID NO. 9 000000275

February 25, 2005

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**THE CITY OF SAN DIEGO IS HEREBY GIVEN NOTICE THAT:**

1. The City of San Diego (City) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385. The violations alleged herein include violations of effluent limits in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose Mandatory Minimum Penalties.
2. The City discharged treated wastewater to the Pacific Ocean subject to waste discharge requirements, including numeric effluent limits, contained in Order No. R9-2002-0025, NPDES Permit No. CA0107409 *Waste Discharge and National Pollutant Discharge Elimination System Permit for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall, San Diego County.*
3. The CWC includes provisions for mandatory minimum penalties (MMP) for serious and chronic violations of waste discharge requirements applying to surface water discharges. The pertinent revisions can be found in CWC Sections 13385 (h) and (i). Each serious

violation, defined as an exceedance of an effluent limitation for a Group I pollutant by 40 percent or more, or for a Group II pollutant by 20 percent or more, is subject to a \$3,000 MMP. Furthermore, the occurrence of four or more chronic violations, defined as any effluent violation, in any six-month period triggers the assessment of a \$3,000 MMP for the fourth violation and each subsequent violation during the six-month period.

### ALLEGATIONS

4. During June through August 2004, the discharge exceeded effluent limits for settleable solids, chlordane, and heptachlor as set forth in Table 1 (attached).
5. Under subdivisions (h) and (i) of Section 13385 of the Water Code, the Regional Board must impose a MMP of \$42,000 for the alleged violations of effluent limits, as determined by the following:
  - a. In June 2004, the discharger exceeded the daily maximum effluent limit for settleable solids, a "Group 1" pollutant, by 40% or more on one occasion as shown in Table 1. This effluent limit violation is a "serious" violation under subdivision (h)(2) of Section 13385, for each of which the MMP under subdivision (h)(1) of Section 13385 is \$3,000 for a total of \$3,000.
  - b. In June 2004, the discharger exceeded the seven-day average effluent limit for settleable solids by less than 40% on 6 occasions during a period of six consecutive months as shown in Table 1. These 6 effluent limit violations are "non-serious" violations under subdivision (i)(1) of Section 13385 of the Water Code. A MMP of \$3,000 must be imposed for each of the last 4 "non-serious" violations, for a total of \$12,000.
  - c. During July and August 2004, the discharger exceeded the 30-day average effluent limit for chlordane, a "Group 2" pollutant, by 20% or more on 4 occasions as shown in Table 1. These effluent limit violations are "serious" violations under subdivision (h)(2) of Section 13385, for each of which the MMP under subdivision (h)(1) of Section 13385 is \$3,000 for a total of \$12,000.
  - d. During July and August 2004, the discharger exceeded the 30-day average effluent limit for heptachlor, a "Group 2" pollutant, by less than 20% on 4 occasions during a period of six consecutive months as shown in Table 1. These 4 effluent limit violations are "non-serious" violations under subdivision (i)(1) of Section 13385 of the Water Code. A MMP of \$3,000 must be imposed for each of the 4 "non serious" violations, for a total of \$12,000.
  - e. In August 2004, the exceeded the daily maximum effluent limit for settleable solids, a "Group 1" pollutant, by less than 40% on one occasion during a period of six consecutive months as shown in Table 1. This 4 effluent limit violation is a "non-serious" violation under subdivision (i)(1) of Section 13385 of the Water Code. A

MMP of \$3,000 must be imposed for each "non serious" violation, for a total of \$3,000.

**PROPOSED CIVIL LIABILITY**

7. Pursuant to Section 13385 (h) and (i) of the California Water Code, the Regional Board must impose mandatory minimum penalties of \$42,000 on the City of San Diego. No additional civil liability for the violations alleged in this Complaint is recommended.

Dated this 25th day of February 2005

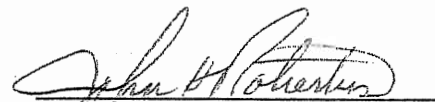
  
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JOHN H. ROBERTUS  
Executive Officer

Table 1: Summary of Effluent Violations

No.	Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value	Percent Exceedance	Serious Violation	Mandatory Minimum Penalty
1	6/8/04	Settleable Solids	Maximum at Any Time	mg/l	3	7.5	150%	Yes	\$3,000
2	6/9/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	\$0
3	6/10/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	\$0
4	6/11/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	\$3,000
5	6/12/04	Settleable Solids	7-day Average	mg/l	1.5	1.8	20%	No	\$3,000
6	6/13/04	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	\$3,000
7	6/14/05	Settleable Solids	7-day Average	mg/l	1.5	1.7	13%	No	\$3,000
8	7/24/04	Chlordane	30-day Average	ng/l	4.7	34.8	640%	Yes	\$3,000
9	7/24/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	\$3,000
10	8/1/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	\$3,000
11	8/1/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	\$3,000
12	8/10/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	\$3,000
13	8/10/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	\$3,000
14	8/17/04	Clordane	30-day Average	ng/l	4.7	34.8	640%	Yes	\$3,000
15	8/17/04	Heptachlor	30-day Average	ng/l	10	11	10%	No	\$3,000
16	8/21/04	Settleable Solids	Maximum at Any Time	mg/l	3	3.5	17%	No	\$3,000
									\$42,000